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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,245		11/14/2001	Emmanuel Dotaro	Q67154	6834
23373	7590	06/01/2005		EXAMINER	
SUGHRUE	•		PHAN, HANH		
SUITE 800	SILVANI	IA AVENUE, N.W.	ART UNIT	PAPER NUMBER	
WASHINGTON, DC 20037				2633	
				DATE MAILED: 06/01/2005	5

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/987,245	DOTARO ET AL.				
Office Action Summary	Examiner	Art Unit				
•	Hanh Phan	2633				
The MAILING DATE of this communication Period for Reply	appears on the cover sheet	with the correspondence address				
A SHORTENED STATUTORY PERIOD FOR RE THE MAILING DATE OF THIS COMMUNICATIO - Extensions of time may be available under the provisions of 37 CFF after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a - If NO period for reply is specified above, the maximum statutory per - Failure to reply within the set or extended period for reply will, by state Any reply received by the Office later than three months after the meanned patent term adjustment. See 37 CFR 1.704(b).	N. R 1.136(a). In no event, however, may reply within the statutory minimum of the did will apply and will expire SIX (6) Monatute, cause the application to become	a reply be timely filed hirty (30) days will be considered timely. ONTHS from the mailing date of this communication. ABANDONED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 1	4 November 2001.					
2a) This action is FINAL . 2b) ⊠ T	his action is non-final.					
• •	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims		•				
 4) Claim(s) 1-7 is/are pending in the application 4a) Of the above claim(s) is/are without 5) Claim(s) is/are allowed. 6) Claim(s) 1-5 is/are rejected. 7) Claim(s) 6 and 7 is/are objected to. 8) Claim(s) are subject to restriction and 	drawn from consideration.					
Application Papers						
9) The specification is objected to by the Exam 10) The drawing(s) filed on is/are: a) Applicant may not request that any objection to Replacement drawing sheet(s) including the cor 11) The oath or declaration is objected to by the	accepted or b) objected the drawing(s) be held in abey rection is required if the drawir	rance. See 37 CFR 1.85(a). ng(s) is objected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for fore a) All b) Some * c) None of: 1. Certified copies of the priority docum 2. Certified copies of the priority docum 3. Copies of the certified copies of the papplication from the International But * See the attached detailed Office action for a	ents have been received. ents have been received in priority documents have been reau (PCT Rule 17.2(a)).	Application No en received in this National Stage				
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB. Paper No(s)/Mail Date	Paper N	v Summary (PTO-413) o(s)/Mail Date f Informal Patent Application (PTO-152) 				

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DETAILED ACTION

1. This Office Action is responsive to the Amendment filed 01/04/2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 3. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Ge et al (US Patent No. 6,819,870).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, referring to Figure 1, Ge et al discloses a photonic switching device for switching without contention data in the form of optical packets, the device including a space switching matrix (i.e., optical switching matrix 120, Fig. 1) with a plurality of input ports (105, Fig. 1) and a plurality of output ports (i.e., output ports from

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optical buffers 135, Fig. 1) and a unit external (i.e., optical buffers 135, Fig. 1) to the space switching matrix (120) including a buffer memory common to all the output ports of the matrix, wherein each of the output ports provides access to the buffer memory via a space switching stage (130, Fig. 1) consisting of switches having a 1-to-2 switching function (see col. 9, lines 49-67 and col. 10, lines 1-14).

Regarding claims 2 and 5, Ge further teaches the buffer memory consists of optical delay lines or the buffer memory is an electronic buffer memory (i.e., the buffer memory 135 consists of optical delay lines 140, Fig. 1).

Regarding claims 3 and 4, Ge further teaches the 1-to-2 space switching function of each of the output ports of the matrix is implemented by means of optical amplifier switches or the 1-to-2 space switching function of each of the output ports of the matrix is implemented by means of an opto-electronic switch including a photodiode optical receiver and a light-emitting diode or laser diode optical emitter (col. 10, lines 6-9).

Allowable Subject Matter

4. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (571)272-3035.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

HANH PHAN PRIMARY EXAMINER